

04-05-04

3754



CROWE & DUNLEVY
ATTORNEYS AND COUNSELORS AT LAW
100 Years • 1902 - 2002

DAVID M. SULLIVAN
Direct Tel: 405.234.3236
Direct Fax: 405.272.5926

sullivan@crowedunlevy.com

April 2, 2004

EXPRESS MAIL RECEIPT NO.: EV085806735US

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: United States Patent Application No.: 09/801,023
HYDRAULIC PROPORTIONING SYSTEM
Filing Date: March 7, 2001
Docket No.: P1043US01 (26745-00035)

Dear Commissioner:

Enclosed, please find the following documents for filing:

1. Amendment Transmittal Letter (1 page);
2. Response to Second Action Species/Restriction/Election Requirement mailed March 4, 2004 (2 pages); and
3. An acknowledgment postcard.

No fee is believed to be associated with this filing. However, in the event of a fee deficiency, you are hereby authorized to charge our deposit account no.: 13-0110. Please reference our docket no.: P1043US01. Should you have any questions, please do not hesitate to contact me.

Sincerely,

David M. Sullivan
For the Firm


DMS/jkw
Enclosures
cc: Bio-Cide International, Inc.

1343127.1

TULSA
500 KENNEDY BUILDING
321 SOUTH BOSTON AVENUE
TULSA, OK 74103-3313
TEL: 918.592.9800 • FAX: 918.592.9801

OKLAHOMA CITY
20 NORTH BROADWAY, SUITE 1800
OKLAHOMA CITY, OK 73102-8273
TEL: 405.235.7700 • FAX: 405.239.6651

NORMAN
THE HIPOINT OFFICE BUILDING
2500 SOUTH MCGEE, SUITE 140
NORMAN, OK 73072-6705
TEL: 405.321.7317 • FAX: 405.360.4002

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. P1043US01	
Applicant(s): William C. Hunt					
Serial No. 09/801,025	Filing Date 03/07/01	Examiner Buechner, Patrick M.		Group Art Unit 3754	
Invention: HYDRAULIC PROPORTIONING SYSTEM					
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
<input type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.					
<input type="checkbox"/> A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	16 -	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	5 -	6 =	0 x	\$40.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.					
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 13-0110 A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.					
<input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 Signature			Dated: April 2, 2004		
David M. Sullivan, Registration No.: 51,025 Crowe & Dunlevy, P.C. 20 North Broadway, Suite 1800 Oklahoma City, OK 73102-8273 Telephone: (405) 235-7700 Facsimile: (405) 239-6651					
<div style="border-bottom: 1px solid black; margin-bottom: 5px; min-height: 40px;"></div> <div style="text-align: center; border-bottom: 1px solid black; margin-bottom: 5px;">Signature of Person Mailing Correspondence</div> <div style="text-align: center; border-bottom: 1px solid black; min-height: 20px;">Typed or Printed Name of Person Mailing Correspondence</div>					
cc: Bio-Cide International, Inc.					

EXPRESS MAIL RECEIPT NO.: EV085806735US
DEPOSITED ON APRIL 2, 2004

PATENT
DKT. P1043US01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	William C. Hunt & Neeraj Khanna)	
Application No.:	09/801,023)	Examiner: Buechner, Patrick M.
Filed:	March 7, 2001)	
For:	HYDRAULIC PROPORTIONING)	Group Art Unit: 3754
	SYSTEM)	

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SECOND ACTION
SPECIES RESTRICTION/ELECTION
MAILED MARCH 4, 2004

Sir:

This is in response to a second Office Action NOT on the merits. The action is an election/restriction requirement for an election of species for examination of the above-identified United States patent application.

Remarks

This response is to the Office Action mailed March 4, 2004, in which the Office places a restriction requirement under 35 U.S.C. §121 requiring the Applicants to elect a single disclosed species for prosecution on the merits to which claims shall be restricted if no generic claim is finally held to be allowable.

The Examiner has stated that the application contains claims directed to patentably distinct species of the claimed invention, namely Species I (Figures 1-5), Species II (Figure 6) and Species III (Figure 7). The Applicants provisionally elect Species I, on which generic claims